

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CAREY DEAN PHILLIPS, JR.,

Defendant.

8:13CR208

ORDER

Defendant Carey Dean Phillips, Jr. (Phillips), appeared before the court on October 21, 2015, on the Amended Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 43). Phillips was represented by Assistant Federal Public Defender Julie B. Hansen and the United States was represented by Special Assistant U.S. Attorney Lecia E. Wright. Through his counsel, Phillips waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Phillips should be held to answer for a final dispositional hearing before Senior Judge Joseph F. Bataillon.

The government moved for detention. A detention hearing was held. Since it is Phillips' burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Phillips has failed to carry his burden and that Phillips should be detained pending a dispositional hearing before Senior Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m. on November 20, 2015**. Defendant must be present in person.
2. Defendant Carey Dean Phillips, Jr., is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 21st day of October, 2015.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge